

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AHMED OMAIS SERHAN,

19-cr-764 (PKC)

24-cv-9234(PKC)

-against-

ORDER

UNITED STATES OF AMERICA,

Respondent.

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CASTEL, U.S.D.J.

Ahmed Omais Serhan has filed a pro se motion to vacate or correct his sentence pursuant to 28 U.S.C. §2255. He is presently incarcerated and indigent and now moves for the appointment of counsel and the scheduling of an evidentiary hearing.

The Court has examined Serhan's motion for appointment of counsel and his section 2255 motion with a view towards assessing his "ability to investigate the crucial facts, whether conflicting evidence implicating the need for cross-examination will be the major proof presented to the fact finder, the [movant's] ability to present the case, the complexity of the legal issues and any special reason in that case why appointment of counsel would be more likely to lead to a just determination." Hodge v. Police Officers, 802 F.2d 58, 61-62 (2d Cir. 1986).

Supporting his section 2255 motion, Serhan has submitted a 47-page memorandum of law, replete with citations to the docket, case law (district, circuit and Supreme Court) and evidentiary materials. It also attaches an additional 29-pages of exhibits. At this stage, Serhan has demonstrated the ability to present his best arguments. His need for counsel

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may change with new developments on his motion. It is premature to schedule an evidentiary hearing on the section 2255 motion as to which the government's time to answer has not yet run.

Application (19 cr 764, ECF 78; 24 cv 9234, ECF 6) is DENIED.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
January 14, 2025